IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 918 of 2005 (S/S)

Smt. Suman Thapliyal
W/o Shri Piyush Thapliyal
R/o 495 Khurbura Moholla
Dehradun
District Dehradun … Petitioner

Versus

1. State of Uttaranchal through
   Secretary, Education
   Civil Secretariat
   Uttaranchal, Dehradun
2. Additional Director of Education
   Garhwal, Division Pauri Garhwal
3. Joint Director of Education
   Garhwal Division, Pauri Garhwal
4. Principal
   Government Girls High School Haripur
   Block Kalsi
   District Dehradun … Respondents

Sri Rajendra Dobhal, learned counsel for the petitioner
Sri Paresh Tripathi, learned standing counsel for the State

Hon'ble B.C. Kandpal, J.

By means of this writ petition a relief has been sought in the nature of certiorari quashing the impugned transfer order dated 29.06.2005 (annexure No. 2 to the petition) passed by the respondent No. 2 i.e. Additional Director of Education, Pauri Garhwal.

Brief facts giving rise to this petition are that the petitioner was appointed as Assistant Teacher (L.T. Grade) on adhoc basis in Government Girls High School, Chham, District Tehri Garhwal on 30.10.1990. On 01.03.1995, the petitioner was selected on the same post in the same institution by the commission and the petitioner was given substantive appointment in Government Girls High School, Chham District Tehri Garhwal.

The petitioner was transferred from Government Girls High School Chham, District Tehri Garhwal to Government Girls High School Hripur, Block Kalsi, District Dehradun vide order dated 20.09.2004 passed by the Additional Director of Education, Garhwal Division, Pauri Garhwal. The petitioner Joined his new place of posting on 24.09.2004. thereafter once again respondent No. 2 has passed an order on 29.6.2005, by which the petitioner has been transferred from Government Girls High School, Haripur, Bloak Kalsi, District Dehradun to Government Girls High School, Kotsara, District Parui Garhwal.

Feeling aggrieved by the aforesaid impugned transfer order, the petitioner has preferred this writ petition before this Court.

Heard learned counsel for the petitioner as well as learned standing counsel for the State and perused the record.

Learned counsel for the petitioner has invited my attention towards the Government Order No. 718/XXIV(2)/2005 dated 13.05.2005 providing the Rules of Transfer of Teacher relating to Basic and Secondary Education.

Learned counsel for the petitioner has further stated that her husband is working in Oriental Insurance Co. Ltd. at Dehradun and she has two minor children and mother-in-law aged 72 years old. Hence these terms have not been taken into consideration by the respondents while transferring him.

I do not find any force in the argument advanced by the learned counsel for the petitioner

In view of the submission advanced by the learned counsel for the petitioner as well as the documents filed by him along with this writ petition, I am of the opinion that the writ petition should be finally disposed of at this stage with the direction that the respondent No. 2 i.e. Additional Director Education should decide the representation of the petitioner in the light of the Government Order which has been mentioned in the body of the judgment.

Accordingly, the writ petition is disposed of finally.

However, it is open for the petitioner to move representation before the respondent No. 2 within a period of 15 days along with certified copy of the judgment and the respondent No. 2 shall thereafter decide the representation of the petitioner in the light of the Government Order dated 13.05.2005 within a period of three weeks by passing the speaking and reasoned order.

(B.C. Kandpal, J.)

12.07.2005
ASWAL